
ROGER BRESKE

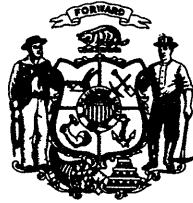
STATE SENATOR

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MEMORANDUM

September 30, 1999

TO: Senate Committee on Insurance, Tourism
Transportation & Corrections
FR: Senator Roger Breske, Chair
RE: Proposed Administrative Rule 99-107 & 97-067

Below, please find a description of administrative rules 99-107 & 97-067 which were recently referred to the Senate Committee on Insurance, Tourism, Transportation & Corrections. For your reference, I have included a brief summary, prepared by the department, of the rule. If you would like a copy of these rules, or if you would like to request a hearing, please contact Vaughn in my office before **Friday, October 15, 1999**.

CLEARINGHOUSE RULE 99-107; *Relating to registration plates for authorized special groups.* This proposed rule implements 1997 Wisconsin Act 255. Act 255 creates an administrative, instead of a legislative, procedure under which groups may apply to be recognized by a special group license plate. This rule making will do the following:

- Outline the procedure that a group follows to apply for designation as an authorized group, including the statutorily-specified eligibility criteria and deposit required.
- Address the procedure that DOT follows to review the group's application.
- State basic plate design requirements.
- Address requirements and procedure for an individual to apply to purchase license plates of the authorized special group.
- State general requirements related to plate sales and describe the procedure for any refund which DOT might make to the authorized special group. In addition, it will lay out the reasons for which DOT will discontinue plate sales, and the procedure that DOT follows to discontinue plate sales.

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CLEARINGHOUSE RULE 97-067 *An order to repeal DOC 309.26, 309.27, 309.28 and 309.29; and to repeal and recreate DOC 309.25, relating to inmate access to legal materials and legal services.* Some provisions of the department of corrections administrative rules relating to legal materials and legal services for inmates have not been updated since the rules were created. With over fifteen years of experience working with the rules, the department proposes to update the rules.

Inmates have a constitutional right of access to courts. Access to legal materials and services is an integral part of access to courts. Without such access, an inmate does not have meaningful access to courts. This rule, like the current rule, requires the department of corrections to provide an inmate with access to legal materials and services.

Each institution, except correctional centers and the Wisconsin Resource Center, shall maintain a law library and make legal materials available to inmates at reasonable times and for reasonable periods. The department shall make reasonable efforts to ensure that adequate legal services are available to indigent inmates.

Inmates may provide legal services to other inmates except that institutions may regulate the time and place of such legal services. Compensation of any kind for the provisions of such inmate to inmate legal services is strictly prohibited.

DOC 309 is being promulgated in sections due to the length and complexity of the rule. The current s. DOC 309.15 will be repealed in the ultimate promulgation of Clearinghouse Rule 97-014. Because it is intended that the legal services provision will be placed under s. DOC 309.15 at that time, it is so numbered in anticipation of CR 97-014.